

NHDES

**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



Ronald & Joan Max Revocable Trust
561 Washington Dr
Washington, NH 03280

LETTER OF DEFICIENCY

#SP-2003-25

October 30, 2003

RE: DES Wetlands File #2003-01938, 561 Washington Dr, Washington

Dear Mr. and Mrs. Max

On September 22, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Washington Tax Map 12, Lot 91, Washington Drive, Washington, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act; RSA 482-A, NH Wetlands Law, and the applicable rules promulgated by these laws. During the inspection the following deficiencies were noted:

1. A retaining wall has been constructed below the normal high water line ("reference line") of Island Pond. The wall is approximately 20 feet long, 3 feet wide, and 2 feet high.
2. A deck measuring 11 feet by 20 feet was observed at the shoreline of Island Pond, partially extending over the water. No permit for this structure could be found in our database.
3. A patio, adjacent to the deck, was under construction at the time of the inspection. The DES Inspector informed you that structures of this type were not allowed within 20 feet of the pond reference line.

In response, you are requested to take the following actions

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES. The restoration plan should outline removal of the retaining wall and restoration of the shoreline of Island Pond to its previous condition. Please submit the following with the restoration plan:

- A plan with dimensions, drawn to scale, showing;
 - i. existing conditions,
 - ii. proposed conditions after removal/relocation of the noncompliant structures
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;

c. A description of the proposed planting plan for the stabilization and revegetation of the area where the deck is currently placed. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Plantings should be from the list of New Hampshire native and naturalized species.

d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

2. Provide documentation to verify that the NHDES Wetlands Bureau permitted the deck. If the deck was not permitted, it will be need to be brought into compliance. Compliance can be achieved by removing the deck, or moving it to a location that is at least 20 feet from the Island Pond reference line.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley or myself at (603) 271-2147.

Sincerely,

COPY
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 1739

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit —
Washington Conservation Commission
Washington Board of Selectmen
David Killoy, US Army Corps of Engineers